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February 28, 2005

Marlene H. Dortch, Secretary Federal Communications Commission Office of the Secretary 445 12th Street SW Washington, DC 20554

Re: Ex Parte Presentation – Review of the Section 251 Unbundling Obligations of

Incumbent LECs (CC Docket Nos. 01-338, 96-98, 98-147); Unbundled Access to

Network Elements (WC Docket No. 04-313)

Dear Ms. Dortch:

On February 25, 2005, I had a telephone conversation with Mr. Christopher Libertelli, Senior Legal Advisor to Chairman Powell, regarding the above-referenced dockets. EarthLink urged the Commission to reinstate the line sharing UNE prior to the Chairman's announced departure, and pointed out that the Covad-SBC line sharing agreement expires in September 2005 with no new agreement having been negotiated.

Pursuant to the Commission's rules, one copy of this memorandum is being filed electronically in each of the above-referenced dockets for inclusion in the public record. Please do not hesitate to call me if you have any questions.

Respectfully submitted,

/s/

Mark J. O'Connor Counsel for EarthLink, Inc.